

Gregory L. Diskant (admitted *pro hac vice*)
Eugene M. Gelernter (admitted *pro hac vice*)
PATTERSON BELKNAP WEBB & TYLER LLP
1133 Avenue of the Americas
New York, NY 10036
Phone: (212) 336-2000
Fax: (212) 336-2222
Email: gldiskant@pbwt.com
emgelernter@pbwt.com

Charles D. Hoffmann (admitted *pro hac vice*)
Sean R. Marshall (admitted *pro hac vice*)
HOFFMANN MARSHALL & STRONG LLP
116 W 23rd Street, Suite 500
New York, NY 10011
Phone: (212) 851-8403
Fax: (646) 741-4502
Email: charlie@hmscounsel.com
sean@hmscounsel.com

Kelly A. Evans (NV Bar #7691)
Chad R. Fears (NV Bar #6970)
EVANS FEARS & SCHUTTERT L.L.P.
2300 West Sahara Avenue
Suite 1130
Las Vegas, NV 89102
Phone: (702) 805-0290
Fax: (702) 805-0291
Email: kevans@efstriallaw.com
cfears@efstriallaw.com

*Attorneys for Defendants LifeScan, Inc.;
LifeScan Scotland, Ltd.; and Johnson & Johnson*

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

PHARMA TECH SOLUTIONS, INC. and
DECISION IT CORP.,

Plaintiffs,

vs.

LIFESCAN, INC., LIFESCAN SCOTLAND,
LTD. and JOHNSON AND JOHNSON,

Defendants.

Case No. 2:16-cv-00564-RFB-PAL

STIPULATION AND ORDER

1 WHEREAS Plaintiffs Pharma Tech Solutions, Inc. and Decision IT Corp. (collectively
2 “Pharma Tech”) have alleged in this action, *inter alia*, that Defendants LifeScan Inc., LifeScan
3 Scotland, Ltd. and Johnson & Johnson (collectively, “LifeScan”) literally infringe U.S. Patent Nos.
4 6,153,069 (“the ’069 patent”) and 6,413,411 (“the ’411 patent”) (collectively, the “Asserted
5 Patents”) by making, using, importing, exporting, offering to sell, and selling OneTouch Ultra blood
6 glucose test strips and meters (the “Accused Products”); and

7 WHEREAS LifeScan has disputed this allegation; and

8 WHEREAS LifeScan has provided Pharma Tech with access to documentation showing the
9 operation of the Accused Products; and

10 WHEREAS Pharma Tech has reviewed this documentation and has concluded that LifeScan
11 does not literally infringe the Asserted Patents by making, using, importing, exporting, offering to
12 sell, or selling the Accused Products; and

13 WHEREAS Pharma Tech now wishes to dismiss its allegations of literal infringement;

14 NOW THEREFORE, IT IS HEREBY STIPULATED, AGREED, AND ORDERED that
15 Pharma Tech’s claims against LifeScan of literal infringement of all claims of the ’069 patent and all
16 claims of the ’411 patent ARE DISMISSED WITH PREJUDICE.

17 ///

18 ///

19 ///

1 For clarity and the avoidance of doubt, this Stipulation and Order does not in any way affect
2 Pharma Tech's claim that LifeScan infringes the '411 patent and the '069 patent under the doctrine
3 of equivalents.

4 Dated: June 6, 2017

5 EVANS FEARS & SCHUTTERT L.L.P.

6 /s/ Chad R. Fears

7 Chad R. Fears, NV Bar No. 6970

8 Kelly A. Evans, NV Bar No. 7691

9 2300 West Sahara Avenue

10 Suite 1130

11 Las Vegas, NV 89102

12 Gregory Diskant (*pro hac vice*)

13 Eugene M. Gelernter (*pro hac vice*)

14 PATTERSON BELKNAP WEBB & TYLER LLP

15 1133 Avenue of the Americas

16 New York, NY 10036

17 Charles D. Hoffmann (*pro hac vice*)

18 Sean R. Marshall (*pro hac vice*)

19 HOFFMANN MARSHALL & STRONG LLP

20 116 W 23rd Street, Suite 500

21 New York, NY 10011

22 *Attorneys for Defendants LifeScan, Inc.;*
23 *LifeScan Scotland, Ltd.; and Johnson &*
24 *Johnson*

FOX ROTHSCHILD LLP

/s/ William Rudy

William Rudy (*pro hac vice*)

1225 17th St., Ste. 2200

Denver, CO 80202

Attorneys for Plaintiffs Pharma Tech
Solutions, Inc. and Decision IT Corp.

25 IT IS SO ORDERED:

Honorable Richard F. Boulware, II
United States District Judge

Dated: June _____, 2017